



Town Council Meeting Minutes

Thursday January 8, 2015, at 7:00 PM, in the Matthew Thornton Room

Vice Chairman Mahon called the meeting of the Town Council to order at 7:00 p.m. Present at the meeting were Councilor Boyd, Councilor Dwyer, Councilor Koenig, Councilor Rothhaus, Councilor Woods, Town Manager Eileen Cabanel, and Assistant Town Manager/Finance Director Paul Micali. Chairman Harrington was excused.

Pledge of Allegiance

Vice Chairman Mahon led in the Pledge of Allegiance.

Announcements

Vice Chairman Mahon remarked Daniel Bittel underwent knee surgery, and has suffered multiple complications. He requested people keep him in their thoughts and prayers.

Budget meetings will be held on Monday, January 12th, Thursday, January 15th, and Monday, January 19th at 6:00 p.m. in the Matthew Thornton Room. A regular meeting of the Town Council will be held on Thursday January 22nd at 7:00 p.m. in the Matthew Thornton Room.

On September 17, 2014, Madeline Bennett, the current holder of the Boston Post Cane since 2011, passed away at the age of 100. The Town of Merrimack has begun the search for a new cane holder. Nominations will be accepted until Friday, January 30th. The nomination form can be found on the Town's website, and can be mailed, emailed or faxed to the Town Manager's office.

Comments from the Press and Public

Debra Huffman, 60 Amherst Road

Thanked the Council for writing the letter to the Federal Energy Regulatory Commission (FERC) requesting an extension of the comment period for the Kinder Morgan Gas Pipeline proposal. She noted the pre-filing period with FERC is typically 6 months long; however, Merrimack was notified late (half way through). She stated her opinion, with much to learn and the heavy workload that comes with budget season, it is wise to ask for as much time as can be afforded. She suggested the request be for a ninety-day extension, and noted comments received after the pre-filing period would not be viewed.

Angela Kazazian, Camp Sargent Road

Thanked the Council for writing the letter to FERC requesting an extension. She commented it almost seems as though we are not quite aware of what the proposal means and the impact it could have on our community. She remarked any time we can take a closer look to ensure we have all of our facts straight before making a monumental decision it is a good thing. She spoke of the single fire engine on Naticook Road, which is grossly inadequate in the event of a crisis situation. She applauded the Council for being so careful and mindful to make sure that, as a community, we are very careful in what we allow to occur in our Town.

Recognitions, Resignations and Retirements - None

1 **Appointments**

2
3 **1. Annual Review with the Conservation Commission**

4 *Submitted by Conservation Commission Chairman Tim Tenhave*

5 Per Town of Merrimack Charter Section 6-6, at least annually, there should be an annual review with
6 the Conservation Commission. This agenda item is to highlight the commission’s significant actions,
7 current projects, anticipated actions, and to raise any concerns the Council should know or could act
8 on.

9
10 Tim Tenhave, Chairman, Conservation Commission, provided a PowerPoint presentation. He informed
11 the Council and viewing audience of open positions on the Commission. The presentation identified the
12 Commission’s mission, which is defined by State law (RSA 36-A). In addition to duties identified in
13 State RSA, and in accordance with Town sub-division rules, the Commission reviews and provides
14 recommendations to the Planning Board for items that fall under the Aquifer Conservation District. The
15 Commission manages well over 1,500 acres of conservation open space land in Merrimack.

16 Mr. Tenhave spoke of the list of proposed activities for 2014, which was included in last year’s annual
17 review. In 2013, the Commission generated guidelines for the types of properties that would be sought
18 for acquisition and/or easement(s). In 2014, certain properties were targeted and inroads achieved.
19 Although the Commission did not come before the Council for land purchase or easement approvals in
20 2014 as it has in years past, there are projects underway, e.g., the project off of Madeline Bennett Lane
21 and Old Blood Road has about 130 acres of open space associated with it. For two of the four parcels of
22 open space (approx. 100 acres) the Commission is being looked at to manage a conservation easement.
23 That would coincide with the easement in place for the school district property as well as join in very
24 well with Grater Woods, etc. The Tomasian Drive project near the Horse Hill Nature Preserve (HHNP)
25 is a cluster development where slightly over half the acreage is being thought of as either easement or a
26 donation to the Town for conservation. That is another opportunity that would go very well with the
27 Fields Farm/Ireland property along the Souhegan River. Those two parcels would join well and provide
28 an opportunity for users of the HHNP to take a short walk on Amherst Road and be in another
29 conservation area.

30
31 The Commission has spoken with an individual who specializes in acquiring conservation properties to
32 see if his services are appropriate. The Commission has also had discussions with the Piscataquog Land
33 Conservancy Regional Trust, which is considering working with what was known as the Souhegan Land
34 Trust to determine if there is an opportunity to leverage funds to continue to provide conservation land
35 acquisitions.

36
37 Chapter 111 was an area the Commission wished to review. Sub-committees have been asked to
38 consider updates to Chapter 111 (conservation Ordinance). When reviewing that and trying to
39 encompass all properties as opposed to the current 5 properties involved, there are a great many nuances,
40 e.g., deed restrictions not yet codified in the Ordinance, etc. That is an area the Commission will require
41 assistance with. The desire will be for dedicated staff support to assist in that effort.

42
43 The Commission has begun working on forestry plans through the development of a template. The
44 desire is for a consistent work product that transforms forestry plans to management plans.

45
46 In the fall of 2013, a number of areas were identified where beaver were causing issues with water flow,
47 levels, etc. The Commission came to realize both the Merrimack Village District (MVD) and the
48 Highway Department have been dealing with beaver and water flow issues. The decision was made to
49 take a more holistic view of the issue by looking at the entire Town and learning more about how to

1 manage beaver town-wide as opposed to point solutions. An RFP was generated and a contract
2 awarded. Mr. Tenhave suggested sometime in the late winter/early spring a dedicated presentation be
3 schedule on what that work entails.

4
5 With regard to management of properties, the Commission has begun its discussions, and some plans are
6 in place such as those for Gilmore Hill, etc. More work needs to be done in this area.

7
8 Work continues on the MerrimackOutdoors website. Volunteers are always welcome to assist in that
9 endeavor. The Commission has worked on documenting its processes.

10
11 Mr. Tenhave highlighted activities that took place in 2014 such as collaborating with the School District
12 on a major rehabilitation of the Gateway Trail located in Grater Woods. It is an area of emergency
13 access, which has been widened back to the original 11' and cleared. A new surface was placed. The
14 trail will be usable for cross country track, etc. by the school, and is great for users wanting sufficient
15 space to enjoy the outdoors. There is now less concern with emergency access. Access from the other
16 side of Grater Woods on South Grater Road is a project the Commission would like to work on next
17 year.

18
19 There were two significant Eagle Scout projects in Grater Woods; observation deck near Beebe Lane
20 and a bridge replacement on the Drilled Rock Trail.

21
22 The Commission has continued with its annual seedling giveaway, which will be conducted this year on
23 Saturday, May 9th.

24
25 The Commission has continued to actively manage the HHNP, Grater Woods, and the Wildcat Falls
26 Conservation Area through the very capable sub-committees. The Wildcat Falls Sub-committee has
27 been working on an updated trail map, have created some loops in the trails, etc. The HHNP Sub-
28 committee is very active particularly with trail work and markings. The sub-committee has given away
29 literally thousands of trail maps. The Grater Woods Sub-committee has been busy with trail markings,
30 upgrades, bridge projects, etc.

31 The Commission has two special conservation funds; one put in place when the Commission was first
32 established by the Town (Fund 51) and another put in place a little later and referred to as the Land Use
33 Change Conservation Fund. RSA 36-A dictates how those funds can be utilized, etc. Fund 51 has
34 ended FY14 with an approx. balance of \$48,000 (about \$3,000 less than the previous year). The only
35 income generated is through interest. Approximately \$25,000 was expended from the Land Use Change
36 Conservation Fund in FY14 for projects such as the Red Maple Trail as well as signage and other
37 maintenance activities on the properties. The HHNP fund ended the previous fiscal year at a little over
38 \$900 and ended FY14 at \$1,000. Revenues are generated by donations.

39
40 The Commission also has a line item within the budget for the Community Development Department
41 (01-21-8393-0), which was budgeted in FY14 at \$4,143. Those funds are utilized for presentations,
42 memberships, education as well as a service called Lakes Lay Monitoring, which monitors Baboosic
43 Lake and provides valuable information. The monies also help cover the donation made to those who do
44 the monitoring of the Souhegan River.

45
46 With regard to the Beaver Management Study, the Commission hired wildlife scientists to perform the
47 study. The desire was to better understand how beaver impact water levels, and how an action in one
48 location can impact another. The Commission also wished to understand if development were to occur
49 in one area would it create an issue in another. The model that was generated provided information that

1 will be entered into the GIS system. It looked to try and predict where beaver activity could be down
2 the road based on certain criteria of habitat, etc. Through the model, the Commission learned of
3 opportunities where all aspects indicate the potential for future issues. When looking at the most
4 difficult areas that have been addressed by the Town and Commission it was noted they were exactly
5 those areas the model predicted we would have some of our worst problems.
6

7 To our knowledge, this type of modeling that can predict where issues will likely arise is something that
8 hasn't been done for a Town or area previously. This idea of a model can now be utilized in other towns
9 and places especially north and west of Merrimack where there are areas that are relatively undeveloped.
10 If this model were developed for those areas and all of the right criteria input, information could be
11 gained such as if they put in an 80-home subdivision in a particular area, the conditions would be right
12 for beaver activities, and it may be found that 20 of the homes could go under water in five years if
13 beaver were to move in. For Merrimack it is a great planning tool.
14

15 The Town was aware of 30-35 trouble spots. Mr. Tenhave used the example of the duck pond in the
16 area where Greens Pond and Naticook Road come together on the edge of the HHNP. Every two weeks
17 Public Works Department (PWD) employees are out there cleaning out the grate sends water down
18 under the road and keeps it going so that the pond doesn't flow over the top of the road. If you add that
19 up over the course of a season it equates to about 16 visits by two employees for two hours each, which
20 could add up to a few thousand dollars a year to maintain that one spot because of beaver. When you
21 look at 35 trouble spots and start adding that up there is quite an impact. Not all 35 are active every
22 year, but when you think about the amount of time utilized by PWD employees to either lower a beaver
23 dam to gain better water flow or even more drastic activities, it has been costing the Town thousands of
24 dollars to manage beavers every year, and every year we do the same things over and over again.
25

26 As an example of some of the work performed, Mr. Tenhave spoke again of the area of Greens Pond and
27 Naticook Road noting the Commission arranged for the installation of a water leveling device (beaver
28 deceiver). With the device in place, beavers can try and stack mud and sticks around the grate all they
29 want, but because of the way it is structured, the water flow doesn't stop. A set water level is
30 maintained based on pipe placement. The cost of the installation/maintenance in 2014 was
31 approximately \$1,500. The device can be maintained by the contractor for a few hundred dollars a year.
32 Return on investment will be achieved in year one. From that time on it will represent a savings. This
33 has been done in three locations where issues were occurring. One area over by Mitchell Woods was
34 causing water to enter residents' backyards, which could cause issues with private septic systems, etc. as
35 well as over on Meadowbrook Pond where there were issues with water levels impacting others as well
36 as the concern if the water were to rise enough it would have put the Town's sewer structure in danger.
37

38 Mr. Tenhave commented in the not so distant past trappers were utilized as a means of controlling
39 beaver. Now we have a method to allow the beaver to remain and to have the necessary water level
40 control. When the beaver stay they will self-regulate their population. If you go in and clean them out
41 they will have lots of young and return.
42

43 There are areas on Town owned property that should be addressed in the next fiscal year. Although
44 there would be an immediate budgetary impact, in the long-term there would be cost avoidance. The
45 Commission has a few additional properties to address in the coming fiscal year, and the commitment is
46 there to do that.
47

48 Plans for 2015 include continuing with work towards acquisition of properties; certain properties have
49 been targeted for purchase/easement. Another is to provide additional educational opportunities. In

1 previous years, the Commission conducted educational events that were geared more toward the general
2 public. The desire is to conduct more of those events. The New Hampshire Association of
3 Conservation Commissions and the NH Cooperative Extension are conducting special sessions. One
4 such session was conducted in Merrimack on beavers and their impact. The desire is to continue with
5 those types of activities.

6
7 The Commission wants to understand what the Kinder Morgan Gas Pipeline proposal means to
8 Merrimack. It crosses two Commission properties. One of the large parcels bisects it in half. The
9 Commission wishes to continue efforts towards updating Chapter 111. There is the need for staff
10 support in this area. The Commission will strive to create updated and consistent forestry management
11 plans for its properties. There is the desire to continue to implement, and learn along the way, with the
12 water control activities. There is the need to update the Beaver Management Policy last approved in
13 2002, which is the policy followed by the Commission and the PWD. The policy lists procedures to be
14 followed when a problem arises. The Commission wishes to continue to bring more users onto the
15 properties and improve their experience. The success that has been seen with the HHNP is something
16 the Commission desires to amplify and see on its other properties. The Commission will work towards
17 expanding its website as well as continuing to document its processes and procedures.

18
19 Mr. Tenhave commented the Stewardship Plan for Grater Woods calls for the installation of gates on
20 South Grater Road. The road has pretty much been washed out by an expanding waterbody. A number
21 of 4 wheelers are currently using it to go through a wetland. The Commission would like to put a stop to
22 that activity.

23
24 During the month of February, the Commission will meet with the Amherst Conservation Commission
25 regarding the parcel located next to Grater Woods, which is approx. 1,000 acres and is owned either by
26 the Town of Amherst, their Commission, or private entity. They have a parking lot located near Grater
27 Woods that has trails that go into our property as well as theirs. The Commission wishes to work more
28 closely with neighboring commissions as a means of understanding each other's needs and how we can
29 be of assistance to each other.

30
31 Areas where the Council can provide assistance include approvals for land acquisition whether easement
32 or purchase, by taking a lead role with regard to the proposed pipeline, and by funding the GIS system to
33 allow for continued upgrades and updates. The Commission would like to add additional
34 information/layers to the system. Mr. Tenhave commented there may be the possibility the Commission
35 can be of assistance in that endeavor, and suggested Town counsel be consulted.

36
37 Vice Chairman Mahon remarked the Commission has done very well over the past few years. He
38 echoed remarks made about the great work being conducted by the HHNP and other sub-committees.
39 The great work being performed by the Eagle Scout candidates is also something very visible to the
40 Council and community. Vice Chairman Mahon remarked the Commission has contracted with a
41 Forester, and the Council/Town has availed itself of those services on a few occasions.

42
43 Councilor Boyd thanked the Commission for its work. He commented on the transparency the
44 Commission provides and the ability for the citizenry to be able to go online and see the level of detail
45 they can with regard to the issues the Commission is addressing.

46
47 Councilor Boyd spoke of receiving Mr. Tenhave's e-mail dated December 9th, which talked about
48 partnering as it relates to the pipeline. He commented the information provided was good food for
49 thought as it relates to the HHNP and other projects that would be impacted.

1
2 Councilor Boyd questioned whether there is intent to continue clearing a trail from Beebe Lane down
3 onto Red Maple up to where the new overlook deck is located. Mr. Tenhave responded at the end of the
4 Red Maple Trail there are rocks, which then lead into more of a walking path. What is planned for that
5 area is clean-up work. He spoke of the sensitive nature of the Red Maple swamp in the area, which is a
6 unique feature in Merrimack.

7
8 Councilor Boyd asked for additional clarification of the request for support staff, e.g., whether it would
9 be an appropriation request made to the Community Development Department, etc. Mr. Tenhave
10 responded he would leave it to the Town Manager to determine the best way to proceed with the update
11 of Chapter 111. Town Manager Cabanel stated she would meet with Mr. Tenhave to discuss the needs
12 of the Commission, and will get together with the various department heads to determine what type of
13 assistance can be provided.

14
15 Councilor Boyd spoke of the proposed development off of Old Blood Road, and questioned whether the
16 Commission has done any perfunctory visioning as it relates to that particular area in relation to South
17 Grater Road, and the rest of Grater Woods. Mr. Tenhave responded the Commission has met with the
18 developers to work out preliminary wording and things of that nature, but that is about as far as it has
19 gone. That is a project that has been around for a long time.

20
21 Councilor Dwyer thanked the Commission for its work and stated his belief the Commission is one of
22 the most important committees in Town. He urged residents to consider joining the Commission, and
23 commented it is a rewarding endeavor as tangible results can be achieved/seen.

24
25 He commented every time he travels past the parking lot to the HHNP preserve he cannot help but
26 notice it is full. He questioned why the Commission could not cut down some trees and expand the
27 parking lot. Mr. Tenhave noted the existence of a wetland behind the parking lot. When the lot was
28 first put in (donated by a developer) a Wetland Scientist marked off the area. That parking lot consumes
29 the area that is not part of the wetland. When asked if a Dredge & Fill Application is cost prohibitive,
30 and whether, if done the right way, an addition to the parking lot would be welcome. Mr. Tenhave
31 stated there is a large parking lot on the Watanic Bowmen side of the HHNP. The Commission has an
32 agreement with them and has placed a kiosk there. It was hoped residents would utilize that parking lot
33 to gain access. He noted the Commission has not heavily promoted the area, which is located deep in a
34 neighborhood.

35
36 Councilor Koenig stated his appreciation for the report provided. He spoke to comments made
37 regarding increasing the awareness/education of the general public. He noted a report provided recently
38 from the Parks & Recreation Department wherein Director Casparius stated a desire to expand education
39 and involvement with the general public. He suggested the two entities consider working together to
40 determine how areas such as Wasserman Park can be integrated and bring out more program offerings.

41
42 Councilor Koenig questioned the membership of sub-committees and whether or not openings exist.
43 Mr. Tenhave responded the sub-committees have a membership model similar to that of the
44 Commission where the Commission provides an Ex-officio member and the remaining members are
45 outside members and alternates. All of the sub-committees are fully populated at this time. For the
46 Grater Woods Sub-committee the current Chair is a member of the Commission who serves in that role
47 as a member of the public providing guidance and continuity in getting it off the ground. With that
48 member and an ex-officio member there are technically 2 Commission members on that sub-committee.

1 Councilor Woods commented he is aware the Commission works very well with other departments in
2 Town. He thanked Mr. Tenhave and the other Commissioners for the great work they have been doing.

3
4 **Public Hearing** - None

5
6 **Legislative Updates from State Representatives** - None

7
8 **Town Manager's Report**

9
10 Town Manager Cabanel informed the Council of having received word from the Merrimack Youth
11 Association's Auditors stating their receipt of materials and the start of their audit.

12
13 The ice-skating rink located behind the tennis courts on O'Gara Drive is open for the season. The rink
14 will be open to the public, as weather permits, seven days a week with the lights on from 4:30 - 10:00
15 p.m. A group of dedicated volunteers will groom the ice on Monday, Wednesday and Friday evenings.
16 On these evenings, the rink will be closed to skaters at 8:30 p.m. Current conditions will be posted on
17 both the Merrimack Parks and Recreation Department and Merrimack Department of Public Works
18 "Facebook" pages.

19
20 The Second Annual Holiday Food Drive competition was held between Public Works and Police. The
21 "Badges" or Police gathered 1,806 pounds of food versus the "Hardhats" or Public Works with 990
22 pounds. Congratulations and thanks to both departments.

23 **Consent Agenda** - None

24
25 **Old Business**

26
27 **1. Noise Ordinance Concept**

28 *Submitted by Town Council Chairman Nancy Harrington*

29 Request for consideration of a noise ordinance.

30
31 Vice Chairman Mahon noted the Council had agreed to review the issue at the request of a resident.
32 Guidance was sought from legal counsel, which was provided and included in the agenda packet. In the
33 legal opinion provided, Attorney Upton lists 12 reasons why it is very difficult to develop and enforce a
34 useable noise ordinance.

35
36 **MOTION** made by Councilor Boyd and seconded by Councilor Dwyer that the Town Council not
37 adopt a noise ordinance for the Town of Merrimack

38
39 **ON THE QUESTION**

40
41 Councilor Boyd stated his personal opinion the genesis is a neighbor dispute, and one he does not
42 believe to be appropriate for the Council to address noting there are other remedies the individuals can
43 avail themselves of.

44
45 Councilor Dwyer commented the Town's counsel has provided a list of reasons why adopting a noise
46 ordinance may not be a good idea. He commented just because it may be very difficult to enforce or to
47 implement is not sufficient reason not to do something. He remarked there is the need to ask a common
48 sense question of why is it that out of the entire State of New Hampshire only one city has a noise
49 ordinance in place. He stated his belief a lot of the reason relates to the live free or die mentality in New

1 Hampshire. With a police force that has laws for disturbing the peace, police discretion is used when
2 neighbors have disputes over a whole range of issues. When neighbors have issue with each other they
3 should start at the police station and work their way to the Town Manager.

4
5 He stated those to be the reasons he does not believe in a noise ordinance for Merrimack. However, he
6 believes the Council owed it to the resident to have done what it has in taking the time to study the issue,
7 hear the facts, and reach a conclusion.

8
9 Councilor Rothhaus stated his belief the Police Department is limited with what it can do, and that is
10 what has been stated by the department. The citizen's level of frustration mounted and directed him to
11 the Council. He stated his suspicion there is civil recourse that can be taken.

12 **MOTION CARRIED 6-0-0**

13
14 **New Business**

15
16 **1. Recommendations for Appointment of the Representatives/Liaisons to the Parks and
17 Recreation Committee**

18 *Submitted by Town Council Chairman Nancy Harrington and Vice Chair Tom Mahon*

19 The Town Council to consider the recommendations to appoint the following individuals as the
20 representative/liaison members to the Parks and Recreation Committee, pursuant to Charter Article
21 6-1:

- 22
23 • **Rick Greenier** – Merrimack Youth Association Liaison Member
24 • **Brian LeClaire** – Merrimack Youth Association *Alternate* Liaison Member

25
26 **MOTION made by Councilor Boyd and seconded by Councilor Woods to approve the
27 appointments of the following individuals to the Parks and Recreation Committee, pursuant to
28 Charter Article 6-1: Rick Greenier as the Merrimack Youth Association Liaison Member and
29 Brian LeClaire as the Merrimack Youth Association Alternate Liaison Member**

30
31 **ON THE QUESTION**

32
33 Councilor Koenig questioned why the appointment would be before the Council at this time. Paul
34 Micali, Assistant Town Manager/Finance Director, responded the Merrimack Youth Association (MYA)
35 recently voted in new Executive Officers, and those positions became available. Councilor Koenig
36 questioned whether there has historically been representation from the MYA on the Parks and
37 Recreation Committee, and was informed there has. Councilor Koenig stated concern with the fact the
38 Council is not in receipt of the audit from the MYA, and questioned whether the Council should
39 consider postponing a motion until a response is received.

40
41 Councilor Rothhaus remarked it is still a large organization that utilizes fields, etc., and that activity
42 would continue regardless. Because the MYA is still a large player he believes participation is
43 appropriate. Councilor Koenig stated he does not disagree, just wished to vocalize whether or not there
44 are issues.

45
46 Councilor Boyd commented it was the first thought he had when seeing the item on the agenda. He
47 circled back to the fact the MYA is predominantly a volunteer organization, and he is unsure where the
48 two individuals stand in the grand scheme of things, e.g., are they brand new looking to serve, etc. To
49 him the finance piece is an issue separate from fulfilling the requirement of the Charter.

1
2 Councilor Woods stated his belief there is just as much advantage to bringing new blood and ideas to the
3 MYA as not.

4 **MOTION CARRIED 6-0-0**

5
6 **2. Request Extension of Comment Period for Gas Pipeline Proposal**

7 *Submitted by Town Council Vice Chair Tom Mahon*

8 To review a letter from the Town Council to the Federal Energy Regulatory Commission (“FERC”)
9 requesting an extension regarding the initial comment period.

10
11 Vice Chairman Mahon stated he requested the item be placed on the agenda following the Monday
12 meeting of the Conservation Commission. During that meeting it was brought to the forefront that the
13 public comment period is due to end in March. Kinder Morgan has just begun conducting local
14 meetings along the proposed route.

15
16 Councilor Boyd spoke of the request made during the public comment period that the letter be amended
17 to request a 90-day extension to the comment period as opposed to a 60-day extension. He questioned
18 whether Vice Chairman Mahon had any objection to making such an amendment.

19
20 Vice Chairman Mahon remarked he chose to request a 60-day extension based on the change in route
21 from Massachusetts to predominantly New Hampshire, which came about several months into the
22 application process. Although the original application was presented in September, it was in the
23 November timeframe that Kinder Morgan requested the alternate route be identified. Vice Chairman
24 Mahon stated he would not object to amending the request. Councilor Boyd questioned the will of the
25 Council.

26
27 Councilor Dwyer remarked because the alternative route was presented already, they technically have
28 the law on their side. He stated his opinion a 60-day extension would be a compromise. He commented
29 when asking from a position of weakness, and knowing Kinder Morgan followed the process, it is a
30 good compromise.

31
32 Councilor Woods stated his preference for a 90-day extension. He commented he is unsure we should
33 categorize our position as weak. The request is for an extension. If the Town were to be granted a 90-
34 day or 60-day extension he would be pleased. Councilor Dwyer remarked his categorization was simply
35 meant in terms of acknowledging Kinder Morgan followed the required procedure, and had the right to
36 choose the alternative, which leaves the Town short time. He stated he could support either a 60-day or
37 90-day request.

38
39 **MOTION made by Councilor Boyd and seconded by Councilor Woods to amend the letter so that**
40 **the requested extension is for a period of ninety (90) days. MOTION CARRIED 6-0-0**

41
42 **MOTION made by Councilor Boyd and seconded by Councilor Koenig that the letter, as**
43 **amended, be forwarded to the Federal Energy Regulatory Commission (FERC) requesting a**
44 **ninety (90) day extension regarding the initial comment period, with copies provided to the**
45 **Legislative Delegation. MOTION CARRIED 6-0-0**

1 **3. Goal Update**

2 *Submitted by Town Manager Eileen Cabanel*

3 The Town Council to be presented with an update on the current goals of 2014 and beyond.

4
5 Town Manager Cabanel spoke of the process the Council undertakes each year to identify goals for the
6 upcoming year (Retreat). That process is undertaken with the assistance of a Facilitator, and begins with
7 a review of the prior year's goals. At the mid-year point she and Director Micali look for the
8 opportunity to update the Council on the status of the current goals.

9
10 Under the category of Infrastructure, the first goal identified was related to the Public Works Garage
11 (voted on by the Council/group as priority #1). The bond to construct a new Public Works garage
12 failed; 66% of the vote was required and only 57% received. The report noted the majority of voters did
13 approve the request. At that time the Council agreed to move forward and explore additional ways of
14 gaining voter support. Options considered included conducting a survey to better understand public
15 perception, to be more proactive about marketing, to explore ways to scale back the project, etc.

16
17 It was noted Director Micali and other staff visited the Town of Hopkinton to determine if the numbers
18 used were as accurate as possible. That visit reinforced the figures are accurate. The contractors were
19 asked to perform value engineering (look at other ways) to scale back the project. Discussions were had
20 regarding the maintenance function of the department as that space would be the most costly.

21
22 The Council requested the Town Manager advertise for a new committee to review the cost and project.
23 Only one (1) application was received. The bond has not been included in the proposed FY16 budget,
24 but has been included in the Capital Improvement Plan (CIP) for FY17. Town Manager Cabanel
25 questioned the will of the Council with regard to moving forward with this project. It was noted the
26 issue would be discussed during budget review (bonding section) on the 15th of January.

27
28 Another topic discussed was the next generation of vehicles. The Town does a very good job keeping
29 up with vehicle replacement utilizing CIP funds. As that occurs and vehicles are getting newer, the
30 systems are becoming more sophisticated. Many require sophisticated equipment to diagnose problems.
31 The discussion revolved around what should be looked for into the future with regard to the newer
32 vehicles; should the Town purchase diagnostic equipment, work collaboratively with other communities
33 to purchase the equipment or consider outsourcing the maintenance function of the vehicles.

34
35 The Finance Department is in the process of reviewing work orders processed by the Equipment
36 Maintenance Division. Findings will be provided shortly.

37
38 In the course of retirements from that division, the Town Manager has tasked the Public Works Director
39 and the Operations Manager to make the argument for why the Town should continue with the number
40 of employees and provide a comparison of associated employee costs versus the cost of outsourcing
41 some of the services. One of the retirements was an individual who had strong skills related to the fire
42 trucks, which are very sophisticated pieces of equipment requiring a great deal of care.
43 Recommendations will be provided shortly.

44
45 During the retreat the Council also discussed a Study for Future Needs for the Fire Department. The
46 topic began with the South Fire Station and where that is in the priority of the Council in terms of
47 bonding. The discussion expanded to include the needs of the community as it relates to fire and EMS
48 services and what the proportionality of those services and staff should be, e.g., skill sets, etc. Town
49 Manager Cabanel stated her belief the information that will be received will lead the Council down the

1 proper road toward what the South Fire Station should encompass, e.g., ambulance garage only, fire
2 station, etc. The Chief and his staff have collected an enormous amount of data over the past year
3 identifying the area of the calls, types of calls, time of day calls are received, etc.

4
5 Town Manager Cabanel stated she reached out to the Town Manager's ListServe, which serves the
6 State, to see if she could locate a sample document to go out and hire someone to conduct an evaluation
7 of the available data, and come to some conclusions. One of the issues faced was how to translate the
8 National Fire Protection Agency (NFPA) standards to a Town like Merrimack when you use it to
9 compare to other communities that have older structures that are closer together, etc. If the will of the
10 Council, a committee could be formed to include the technology person so that he can decipher a way to
11 sort the data so it is most effective and useful, and compile a factual report of what is known. It has
12 been suggested that once that data is collected it be given to an outside agency to review it from an
13 outside perspective and draw conclusions from it.

14
15 Town Manager Cabanel stated she and Director Micali have met with the Fire Chief, the two Assistant
16 Chiefs, the four Captains, the Human Resources Director, a Firefighter, and the Computer Technician to
17 discuss what the goals would be. If the Council is agreeable that group could continue with its efforts.

18
19 The third priority identified by the Council was Wasserman Park, which continues to be an area of focus
20 around the future and vision for the Town. Many of the buildings were in disrepair. Over the past 2-3
21 years some time has been spent on piecemeal work stabilizing the park and bringing it into compliance
22 with code within budgetary constraints. Some of the work needed was painting of the cabins and roof
23 repair. A lot of that work has been accomplished. In addition the Council appropriated \$55,000 to fund
24 several projects, and asked the Parks & Recreation Director to present a vision of what Wasserman Park
25 might look like into the future, and, based on that vision, to identify a plan for utilizing the \$55,000
26 appropriation. That has been done and recently presented to the Council. One of the major factors in
27 the presented plan was to install a lower parking lot where users could have better access of the
28 waterfront area. That will be one of the items having the greatest impact.

29
30 Under the category of recreation, the Council also discussed setting up a revolving fund to cover the cost
31 of maintenance and repairs for the park. That was not discussed at great length as the Parks &
32 Recreation Director had not been on board for long. Normally revenue and expenditures go in and out
33 of the fund and monies remaining at year end carry over into the next year rather than reverting to the
34 general fund. Having recently received a timeline from counsel, it is understood there is not sufficient
35 time to place the item on this year's ballot; however everything is in place to put it on next year's ballot.

36
37 Vice Chairman Mahon questioned whether what was being discussed for the ballot is the revolving fund
38 or the reorganization, and was informed it is both. Town Manager Cabanel added the revolving funds
39 needs to be on the ballot as a Warrant Article; the topic as well as the funding. When asked why
40 sufficient time is not available, Director Micali noted requirements relative to the number of days
41 required for the conduction of public hearings, etc. prior to the Deliberative Session.

42
43 Town Manager Cabanel spoke again of the maintenance plan the Council received from the Director of
44 Parks & Recreation to accomplish his goals, and noted the Director will begin looking into the cost of
45 changing the signs at Wasserman Park to the new logo.

46
47 With regard to Watson Park, there was discussion of bringing an ice skating rink to the park. The
48 discussion also came in conjunction with the issue of the tennis courts at O'Gara Drive. The Town has
49 been informed by representatives of the State, who represent the Federal Government on this topic, that

1 a recreational use needs to be maintained in perpetuity if the tennis courts are not there. A request was
2 made for additional information as to what is required, e.g. how extensive the project needs to be in
3 comparison to the tennis courts, etc. A response has not yet been received. When asked, Town
4 Manager Cabanel stated the last contact was in October. Vice Chairman Mahon suggested contact be
5 made again.

6
7 Discussion occurred around the idea of bringing electricity to Watson Park in a way that would be
8 visually pleasing. Electricity has been brought to the pavilion.

9
10 With regard to Town Hall Complex – Ambulance Garage (#4 priority), the ambulance garage is
11 currently in a bad state of disrepair. Over the past several months discussions have taken place. The
12 Department of Labor also conducted a visit and a review of all buildings. The garage itself has been
13 cleared of unnecessary items. The fire trailer for emergency management has been moved out of the
14 garage. Currently there is only 1 vehicle from the Police Department located there.

15
16 Director Micali has acquired pricing from various contractors regarding costs associated with tearing
17 down the concrete building. The cost to tear down the building and construct a building of sufficient
18 size for storage of the equipment for the maintenance division is high. Discussions took place around
19 whether or not the space would be desired for the police vehicle as well as the emergency management
20 vehicle in conjunction with the whole topic of do you tear down the existing building and construct
21 something of a smaller size or repair the existing garage.

22
23 It was discovered both alternatives come at a similar cost; approximately \$35,000. Town Manager
24 Cabanel stated her recommendation to be for the repair of the existing structure. That discussion will
25 occur as part of the budget process.

26
27 With regard to Continental Boulevard, there has been discussion at the State level about turning it over
28 to the Town for maintenance and repair. The Council discussed measures that would be taken if that
29 were to come to fruition. At this time no forward movement has occurred.

30
31 With regard to sewer expansion, the Council discussed the sewer line as it relates to the proposed single-
32 family development on Old Blood Road. There was discussion of the Town's desire for the developer to
33 replace that sewer. The project has been before the Planning Board, the applicants have met with the
34 School Board with regard to the area of the intersection with Old Blood Road and Madeline Bennett and
35 impact to school traffic. What was decided at the School Board meeting was that a traffic study be
36 conducted by a professional and recommendations sought for the best alternative. That report is
37 anticipated in the near future.

38
39 Sewer access fees were discussed. There had been no projects that necessitated the Town impose the fee
40 with the exception of a few located near the outlets. Discussion was around how the fee would apply to
41 a larger development such as a hotel, restaurant, etc. When costed out it became evident it would likely
42 be cost prohibitive to a large hotel, etc., and could cost as much as \$500,000. Discussions took place
43 with the Wastewater Division and Public Works Department around whether or not they could do a
44 tiered approach to the fee so costs would be appropriate to the business based on certain levels of service
45 rather than number of rooms, etc. That has been proposed to the Council, and has been approved.

46
47 The library was discussed. However, a plan has not been brought forward.

1 The Depot Street Pump Station was discussed. The station is located on private property and in a state
2 of disrepair. It has been secured. Costs to replace the roof would be between \$4,000 and \$6,000. Town
3 Manager Cabanel noted the Council requested she speak with the Heritage Commission to see if the
4 building had any historical significance. She has been provided verbal confirmation there is no
5 historical significance. It is anticipated the depot will be demolished in the spring.

6
7 Storm Water Permit (MS-4); about a year ago the Federal Government was coming in to impose some
8 very onerous monitoring regulations on the waterbodies in the Town that would have been incredibly
9 expensive and likely ineffective. The Town joined with other communities to hire an attorney to
10 challenge the EPA. The EPA has not yet responded.

11
12 In terms of Communication, the Council discussed electronic and paper surveys to solicit public
13 feedback on a variety of issues. The Council later decided against conducting surveys at this time.

14
15 Another topic of concern is increasing voter turnout. There was talk of increasing the number of
16 promotional signs as one method to increase voter turnout. Message boards will be rented in April and
17 businesses along the major corridors will be asked to remind voters of upcoming elections.

18
19 The topic of sidewalks came up. There was discussion of a sidewalk master plan and of setting up a
20 sidewalk fund whereby developers could contribute if the area of development was not conducive to
21 sidewalks. The Planning Board has formed a sub-committee to put together a sidewalk master plan.
22 The plan will be presented to the Planning Board in mid-summer and then forwarded to the Council for
23 input.

24
25 With regard to the discussion around Church Street closing, the consensus was the Church Street
26 intersection with D.W. Highway was a dangerous one and should be closed. At that time, it was
27 thought it could be incorporated with the Wire Road intersection project as well as the Route 3 over
28 D.W. Highway Baboosic Brook project. Those projects have been pushed out into FY19. Town
29 Manager Cabanel stated her opinion all of those things need to be put together and in place before
30 individual small decisions are made about sidewalks and pieces of sidewalks.

31
32 The Council discussed exploring the boat launch off of Griffin Street for better access to the Merrimack
33 River. The Town now owns the property. There is agreement more attention is needed. A year or so
34 ago the Council set aside \$15,000 as a match for any State funds that might become available to do a
35 boat launch project. Since that time the Town has heard from Bob L'Heureux who met with the Fish &
36 Game Department in June of 2014. The project in Merrimack has been removed from their priority list.
37 Mr. L'Heureux suggested and the Town Manager agrees, the Town should send Fish & Game a letter
38 expressing the reasons for the Town's continued desire for boat access to the Merrimack River as well
39 as informing them that the Town has set aside matching funds.

40
41 Vice Chairman Mahon questioned whether it has been determined what the match would be or if there
42 would be a match. Town Manager Cabanel stated that has not been determined, and provided her
43 opinion the more the Town is able to contribute the more it would move up on the priority list.

44
45 With regard to the Reverend Wright property, a developer has come forward for many many years with
46 a plan to put in elderly housing. That has come before the Planning Board and been approved, but it has
47 been on hold. She stated her belief Deed restrictions are the cause for the delay. Vice Chairman Mahon
48 questioned the timeline for execution of approval. Councilor Koenig responded it is usually 1-2 years.

1 The Council discussed parking on Amherst Road in order to accommodate parking for sporting events in
2 the nearby fields. That will be worked on over the next 6 months.

3
4 The topic of exploring the Wright Avenue Property to make it useful in some way and possibly to
5 generate revenue via solar energy was discussed. Director Micali met with the EPA in October to
6 discuss the property, and was informed there are parties interested in purchasing the property. Director
7 Micali brought up the idea of a solar farm, which was received with enthusiasm. Nothing more has been
8 heard from the EPA.

9
10 The Council discussed whether or not the Town is adequately staffed. The larger discussion surrounded
11 an analysis of if Merrimack is growing and what the Town may need to do in order to accommodate
12 growth. There was also discussion of ensuring as positions become available we are looking at the
13 operation as a whole and ensuring staff we hire have the particular skillsets that address Merrimack's
14 needs at this time. Town Manager Cabanel stated she will bring recommendations forward during the
15 budget process.

16
17 Councilor Woods spoke of the letter that was included in the Council's packet regarding the revolving
18 fund and comments from counsel with regard to the Town Treasurer having custody of monies and the
19 approval of the Town Manager if necessary, and asked for clarification that does not preclude the
20 Council's approval. Town Manager Cabanel stated it does not. She added what counsel provided was
21 with the understanding there is a Parks & Recreation Committee as opposed to a Commission. A Parks
22 & Recreation Commission has a good deal more authority. In the case of a Park & Recreation
23 Committee, which is advisory, all of those things would come before the Town Council.

24 25 Minutes

26
27 Approve the minutes from the December 18, 2014 Town Council meeting:

28
29 *The following amendments were offered:*

30
31 Page 3, Line 27; replace the "." With a "," after the word "ice", and continue the sentence.

32 Page 2, Under Agenda Item #2, with the exception of the first two sentences, "Ms. DuLong" should be
33 replaced with "Ms. Trippett".

34
35 **MOTION made by Councilor Boyd and seconded by Councilor Woods to approve the minutes of**
36 **the Town Council meeting conducted on December 18, 2014 as amended. MOTION CARRIED**
37 **6-0-0**

38
39 **Comments from the Press** - None

40
41 **Comments from the Public**

42
43 Jody Vaillancourt, 35 Greenleaf Street

44
45 Thanked the Council for approving the letter to FERC and for the amendment to change the request to a
46 90-day extension. She commented she has started conducting research on her own; the amount of
47 information out there and that the Town will need to educate itself with is overwhelming.

1 With regard to proper notification, she stated her belief there are abutters in Town that have not received
2 notification.

3
4 She stated her hope the proposed pipeline project will gain the attention of a lot more people now that
5 the holiday season has ended. She stated her hope, although the Council is involved in the budgeting
6 process, the issue of the pipeline will be addressed on a regular basis. She questioned if there will be a
7 communication plan coming forward from Town government. She stated her belief it would be a great
8 idea if the Council were to determine a means of formal communication. Having information on the
9 Town website is very valuable to residents; however, that is Kinder-Morgan information. She requested
10 the Council give consideration to how Merrimack residents can forward questions to the Council for
11 response.

12
13 She questioned whether consideration has been given to how the Nashua Regional Planning
14 Commission (NRPC) might be utilized. She stated her hope they will be a valuable resource. As a
15 regional effort, if to be successful, it is important for all in Southern New Hampshire to work together.
16 She questioned whether the Council has prepared questions or considered how the NRPC might be
17 engaged in the process.

18
19 **Comments from the Council** - None

20
21 **MOTION** made by Councilor Boyd and seconded by Councilor Woods to adjourn the meeting.
22 **MOTION CARRIED 6-0-0**

23
24 *The January 8, 2015 meeting of the Town Council was adjourned at 9:11 p.m.*

25
26 Submitted by Dawn MacMillan
27